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JOURNAL

OF

THE SENATE

OF THE

LEGISLATIVE ASSEMBLY OF THE STATE OF OREGON,

DURING THE

FIRST SESSION THEREOF, 1858.

THE EIGHTY-THIRD YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

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JOURNAL

OF THE

SENATE.

MONDAY, JULY 5th, 1853.

The first regular session of the Legislative Assembly of the State of Oregon commenced this day, conformably to the constitution organizing said State; and the Senate assembled at Salem, Monday, July 5th, 1853.

Present—A. M. Berry, of Jackson;
W. W. Bristow, of Lane;
T. R. Cornelius, of Washington, Clatsop, Columbia, and Tillamook;
E. T. Colby, of Marion;
C. Drain, of Linn;
L. Elkins, of Linn;
J. W. Grim, of Marion;
Gazley;
Lamson;
McIlteeney;
Ruckel;
Scott;
Wells;
Williams;
Waymire.

On motion of Mr. Bristow,

Mr. Waymire took the chair as President *pro tempore.*

On motion, George Carpenter was chosen Clerk *pro tempore.*

On motion of Mr. Elkins,

The following gentlemen were appointed to examine and report credentials of members elect:

[The committee is not given in the original]

On motion of Mr Bristow,

The Secretary of State was requested to furnish stationery for the use of the Senate

On motion, the rules of the Council of the last session were adopted for the use of the Senate.

On motion the Senate then adjourned.

G. CARPENTER, Clerk *pro tempore.*

TUESDAY, JULY 6th, 1858.

The Senate met pursuant to adjournment.

On the call of the roll the following members answered to their names: Berry, Bristow, Cornelius, Colby, Drain, Elkins, Grim, Gasley, Lamson, McIteeney, Ruckel, Scott, Wells, Williams, and Waymire—15.

Absent: Florence—1.

The journal of yesterday was read and approved.

The Committee on Credentials reported the following:

J. W. Grim and E F. Colby, from Marion;

J. Lamson, from Yamhill;

J. S Ruckel, from Clackamas and Wasco;

F Waymire, from Polk;

W. W. Bristow and A. B. Florence, from Lane;

D. Wells, from Umpqua, Coose, and Curry;

J. A Williams, from Multnomah;

J. S. McIteeny, from Benton;

A M Berry, from Jackson;

J. F. Gasley, from Douglas;

S R. Scott, from Josephine;

Thos. Cornelius, from Washington Columbia, Clatsop and Tillamook;

Chas. Drain and L. Elkins, from Linn.

On motion the report of the committee was adopted.

On motion of Mr Waymire,

The oath prescribed by law was administered by Chief Justice Williams to the said members elect, and they took their seats in the Senate.

On motion of Mr Drain,

The Senate proceeded to the election of President.

Mr. Drain nominated Luther Elkins.

Mr McIteevey nominated James Gazley.

Mr. Elkins received a majority of all the votes cast, and was declared duly elected President of the Senate.

On motion of Mr Drain,

A committee of two were appointed to conduct the President to the chair.

Said committee consisted of Mr. Drain and Mr. Scott, who now fulfilled the duty assigned them

After tendering his thanks and making appropriate remarks to the Senate the President took his seat.

On motion of Mr. Waymire,

The Senate proceeded to elect a Chief Clerk.

Mr Berry nominated George Carpenter.

George Carpenter having received all the votes cast, was declared duly elected Chief Clerk of the Senate.

On motion, the Senate proceeded to elect a Sergeant at arms.

Mr. Harpole was nominated, and having received all the votes cast, was declared duly elected.

On motion, the Chief Clerk and Sergeant-at arms took the oath of office.

Mr. Drain submitted the following resolution;

S. R 1. *Resolved*, That the Clerk is hereby instructed to inform the House that the Senate has organized, by electing Luther Elkins. President; George Carpenter Chief Clerk; Mr. Harpole, Sergeant-at arms; and are ready for business.

Which was, on motion of Mr. Drain, adopted.

Mr Drain offered the following:

S. R 2. *Resolved*, That the reporters for the several journals are invited to seats within the bar.

Which was, on motion, adopted.

Mr. Gazley moved that a committee of five be appointed to report permanent rules for the government of the Senate.

Lost—ayes 8, nays 8.

Mr. Colby moved that the Senate adopt the rules of the Council of last year.

Lost—yeas 5, nays 11.

The following message was received from the House:

Mr President:—As instructed by the Speaker, I inform you that the House is duly organized, by the election of W. G. T'Vault, Speaker, C. N. Terry, Chief Clerk, N. T. Caton, Assistant Clerk, C. P. Crandall, Enrolling Clerk, James M. Hunt, Sergeant-at-arms, and J. H. Brown, door keeper—and is now ready to proceed to the transaction of business.

Chester N. Terry, Chief Clerk.

On motion of Mr. Bristow,

The Senate adjourned until two o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The following message was received from the House:

Mr President:—I am instructed by the Speaker of the House to inform you that the House has passed the H J. R. No 2, which is herewith transmitted; and to request the concurrence of the Senate therewith. Also, H J. R No. 1, in relation to the Secretary of State furnishing Constitution of the State of Oregon, and also Laws and Journals of the last session of the Legislative Assembly of the Territory, to the members of the present session, which is also herewith transmitted. The concurrence of the Senate is requested to the same.

Chester N. Terry, Chief Clerk.

H. J. R. No. 1. *Resolved by the House (the Senate concurring)*, That the Secretary of State be and he is hereby requested to furnish each member of this Legislative Assembly one copy each of the Constitution of Oregon, Rules, and Journals of the laws passed at the last session of the Legislative Assembly of the Territory of Oregon.

H. J. R. No. 2. *Be it resolved by the Legislative Assembly of the*

State of Oregon (the Senate concurring), That the Senate and the House of Representatives meet in joint convention in the hall of the House of Representatives on the 7th day of July, instant, at 10 o'clock A. M., and proceed to the election of two Senators in the Congress of the United States.

On motion of Mr. Cornelius,

H. J. R. No. 1, was concurred in.

On motion of Mr. Cornelius,

H. J. R. No. 2, was concurreed in.

On motion of Mr. Waymire Senate then adjourned.

WEDNESDAY, JULY 7th, 1858.

The Senate met pursuant to adjournment.

On the call of the roll, all the members being present answered to their names.

The journal of yesterday was read and approved.

Mr Bristow introduced the following resolution:

S. R No. 3. *Resolved*, That the Senate will now proceed to allot the Senators into classes, as required by the Constitution; and for this purpose it shall be the duty of the Clerk, under the direction of the President, to place in a box sixteen ballots, on eight of which shall be written the figure "1," and on the other eight the figure "2;" and he shall then draw from the box a ballot for each Senator in alphabetical order; and the Senators for whom ballots are drawn with the figure "1" shall constitute the first class, and shall hold their seats two years; and those for whom ballots are drawn with the figure "2" shall constitute the second class and shall hold their seats four years.

On motion, the aforesaid resolution was laid upon the table.

A committee from the House now informed the Senate that the House was ready to receive the Senate in Joint Convention, for the purpose of electing two United States Senators.

On motion, the Senate now proceeded to the Hall of Representatives to meet the House in Joint Convention, for the purpose aforesaid.

The Joint Convention being dissolved, the Senate repaired to the Senate chamber, and resumed its sitting.

On motion of Mr. Drain, the Senate adjourned.

AFTERNOON SESSION.

On motion of Mr. Bristow,

S R. 3. Was taken from the table.

Mr Drain moved an amendment, that the Senators ballot by couples.

Question on the amendment being put, was lost.

Question on the resolution being put, was decided in the affirmative.

The Clerk then proceeded to draw for the Senate classes, which resulted as follows:

Class No 1. Bristow, Cornelius, Gazley, Lamson, Ruckel, Scott, Wells, Waymire.

Class No. 2. Berry, Colby, Drain, Elkins, Florence, Grim, McIteeny, Williams.

On motion of Mr. Bristow, the Senate then adjourned.

THURSDAY, July 8th, 1858.

Senate met pursuant to adjournment.

On the call of the roll, the following members answered to their names:

Messrs Bristow, Cornelius, Drain, Florence, Grim, Lamson, McIteeny, Scott, Williams and Mr President—10.

Absent—Messrs. Berry, Colby, Gazley, Ruckel, Wells and Waymire—6.

The journal was read and approved.

The President proceeded to announce the following standing committees:

Judiciary—Bristow, Lamson and Gazley.

Ways and Means.—Waymire, Wells and Grim.

Elections.—Colby, Scott and Williams.

Claims—Grim, Waymire and McIteeny.

Corporations—Berry, Colby and Cornelius.

Counties—Drain, Florence and Berry.

Military Affairs.—Ruckel, Cornelius and Scott.

Commerce.—Gazley, Wells and Ruckel.

Education.—Wells, Lamson and McIteeny.

Engrossed Bills.—Lamson, Bristow and Williams.

Roads and Highways—Florence, Drain and Gazley.

The following message was then received from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that the House has passed the following: H J R. No 3, relative to canvassing the vote for Governor, to which the concurrence of the Senate is requested. CHESTER N. TERRY, Chief Clerk.

On motion of Mr. Bristow,

H. J. R No 3, was concurred in by the following vote:

Yeas—Berry, Bristow, Cornelius, Colby, Drain, Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire, Speaker—15.

Nays—(None)

On motion of Mr. Gazley the Senate then adjourned.

AFTERNOON SESSION.

A committee from the House now informed the Senate that the House was ready to receive the Senate in joint convention for the purpose of canvassing the votes for Governor.

On motion, the Senate proceeded to the Hall of Representatives to meet the House in joint convention for the purpose aforesaid.

The joint convention being dissolved, the Senate resumed its sitting.

The following message was received from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that the House has passed a bill of the following title: H B No 2. An Act to appoint the times for holding the Circuit Courts for the year 1858, which is herewith transmitted. Also, H. B No 1. A Bill to regulate the practice in the Circuit and County Courts, also herewith transmitted; in which the concurrence of the Senate is requested.

C. N. TERRY, C. C. H. R.

On motion, H B 1, was put upon its first reading.

On motion of Mr. Gazley,

The rules were suspended by the following vote:

Yeas—Berry, Bristow, Cornelius, Colby, Drain, Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire and Mr. Speaker—15.

Nays—none.

And said bill was read a second time.

On motion of Mr Drain,

The bill was now referred to a committee of the whole house.

On motion of Mr. Lamson,

The Senate resolved itself into a committee of the whole.

The committee rose, and the Chairman reported the bill back to the Senate with an amendment, and recommended that the bill pass.

The bill was then read a third time.

Mr. Bristow moved that the words "in like cases," sec 4, line 7, be stricken out.

The amendment was adopted.

Mr. Elkins moved that the bill be amended by substituting the word "five" in the place of the word "fifty," in section 5, line 3.

Question on amendment was lost

On motion of Mr Bristow, the amendment was adopted.

On motion of Mr. Drain,

The rules were suspended by the following vote:

Yeas--Berry, Bristow. Cornelius, Colby, Drain. Florence, Grim, Lamson, McIteeny, Scott, Wells, Williams, Waymire, Speaker—14.

Nays—Gazley—1.

The bill was then read a third time by sections.

The question being on its passage, the vote was as follows:

Yeas—Berry, Bristow. Drain, Florence, Grim, Lamson, McIteeny, Scott, Wells, Waymire, Speaker—11.

Nays—Cornelius, Colby, Gazley, Williams—4.

And so the bill passed.

On motion, H. B No. 2, was read first time.

On motion of Mr. Cornelius, the rules were suspended by the following vote:

Yeas—Berry. Bristow, Cornelius, Colby, Drain. Florence, Grim, Gazley, Lamson. McIteeny, Scott, Wells, Williams, Waymire, Speaker—15.

Nays—(None)

And the said bill was read a second time.

The rules were further suspended by the following vote:

Yeas—Berry, Bristow, Cornelius, Colby, Drain. Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Speaker—15.

Nays—(None)

And the said bill was read a third time.

The question being on its passage, the vote was as follows:

Yeas—Messrs. Berry, Bristow, Cornelius, Colby, Drain, Florence, Grim. Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire, and Mr Speaker—15.

Nays—none.

And so the bill passed.

The following message was received from the House:

Mr. President:—I am instructed by the Speaker to inform you that the House has passed a bill of the following title, H. B 4. "A bill to legalize an informal vote of Curry county in locating the county seat;" which is herewith transmitted. The concurrence of the Senate is requested to the same.

C. N Terry, Chief Clerk H. R.

On motion, H B. 4, was read the first time.

On motion, the rules were suspended by the following vote:

Yeas—Messrs. Berry, Bristow, Cornelius. Colby. Drain, Florence, Grim. Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire and Mr Speaker—15.

Nays—none.

And the bill was read a second time.

On motion, the rules were further suspended by the following vote:

Yeas—Messrs Bristow. Cornelius, Colby, Drain, Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire and Mr. Speaker

Nays—none.

And the bill was read a third time by section.

The question being on its passage, the vote was as follows:

Yeas—Bristow, Cornelius, Colby. Drain. Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire, Speaker—14.

Nays—(None)

And so the bill passed.

On motion of Mr. Gazley the Senate adjourned.

FRIDAY, July 9th, 1858.

The Senate met pursuant to adjournment.

The roll being called, the following members answered to their names:

Bristow, Cornelius, Colby, Drain, Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire, and Mr. President—14.

Absent: Berry and Ruckel—2.

The journal of yesterday was read, corrected and approved.

The following message was received from the House:

Mr. President—I am instructed by the Speaker to inform you that the House has passed a joint resolution and bill of the following titles: H. J. R. No. 5, relative to adjournment *sine die*; H. B No 3, A Bill to raise the revenue of the State. In which the concurrence of the Senate is requested.

The House has concurred in Senate amendment to H B No. 1.

The House has also passed the following: H. J. R. No. 6, relative to procuring a house for legislative purposes; in which the concurrence of the Senate is requested.

C. N. Terry, Chief Clerk H. R.

On motion H. B. No. 3, was read first time.

On motion of Mr. Cornelius to suspend the rules for a second reading of said bill, the vote was as follows:

Yeas—Berry, Bristow, Cornelius, Colby, Drain. Florence, Grim, Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire, Speaker—15.

Nays—(None)

The said bill was read the second time.

On motion of Mr. McIteeny that the rules be suspended for a third reading of said bill, the vote was as follows:

Yeas—Berry, Bristow, Cornelius. Colby. Drain, Florence. Grim. Gazley, Lamson, McIteeny, Scott, Wells, Williams, Waymire, Speaker—15.

Nays—(None)

The bill was then read the third time.

The question being on its passage, the vote was as follows:

Yeas—Messrs. Berry, Bristow, Cornelius, Colby, Grim. Gazley, McIteeny, Scott, Wells, Williams, Waymire and Mr. Speaker—12.

Nays—Messrs. Drain, Florence and Lamson—3.

So the bill passed.

On motion, H J. R 6, was read the first time, and,

On motion of Mr Cornelius,

That the rules be suspended for a second reading of said resolution, the vote was as follows:

Yeas—Messrs. Berry, Bristow, Cornelius, Colby, Drain, Florence,

Grim, Gasley, McIteany, Scott, Wells, Williams, Waymire and Mr. Speaker—15.

Nays—none.

And the resolution was read a second time, and,

On motion of Mr. Gasley,

That the rules be suspended, for a third reading of said resolution, the vote was as follows:

Yeas—Messrs. Berry, Bristow, Cornelius, Colby, Drain, Florence, Grim, Gasley, Lamson, McIteany, Scott, Wells, Williams, Waymire and Mr. Speaker—15.

Nays—none.

And the resolution was read a third time, and the question being on on its passage, the vote was as follows:

Yeas—Messrs. Berry, Bristow, Cornelius, Colby, Drain, Florence, Grim, Gasley, Lamson, McIteany, Scott, Wells, Williams, Waymire, and Mr. Speaker—15.

Nays—none.

So the Joint Resolution 6, passed.

H. J. R. 5, was read, and,

On motion of Mr. Waymire, was laid upon the table.

On motion of Mr. McIteany, the Senate adjourned.

AFTERNOON SESSION.

On motion of Mr. Lamson,

H. J. R. 5, was taken from the table.

On motion, the Senate concurred in said resolution.

The following messages were received from the House:

Mr. President:—I am instructed to inform you by the Speaker that he has signed the following resolutions:

H. J. R Nos 5 and 6,

Which are hereby transmitted for the signature of the President.

C. N. Terry, Chief Clerk H. R.

Mr. President:—I am instructed by the Speaker to inform you that the Speaker of the House has signed the following resolutions:

H. J R Nos. 1, 2, and 3,

Which are hereby transmitted for the signature of the President of the Senate.

Also, H. B. No. 3, signed by the Speaker, and hereby transmitted for the same purpose. C. N. TERRY, Chief Clerk H. R.

Mr. PRESIDENT:—I am instructed by the Speaker to inform you that the Speaker of the House has signed H. B. Nos. 1, 2, and 4; which are herewith transmitted for the signature of the President.

C. N. TERRY, Chief Clerk H. R.

Mr. PRESIDENT:—I am instructed by the Speaker to inform you that the House, having transacted all the business, is now ready to adjourn *sine die*. C. N. TERRY, Chief Clerk H. R.

Mr. PRESIDENT:—I am instructed by the Speaker to inform you that the House has passed a joint resolution and bill with the following titles:

H. J. R. No. 5, relative to adjournment *sine die*;

H. B. No. 3. A Bill to raise the Revenue of the State;

In which the concurrence of the Senate is requested.

The House has concurred in Senate amendment to H. B. No. 1.

The House has also passed the following:

H. J. R. No. 6, relative to procuring a house for legislative purposes, in which the concurrence of the Senate is requested.

C. N. TERRY, Chief Clerk H. R.

Mr. McIteeny offered the following resolution:

Resolved, That a vote of thanks be and is hereby tendered by this body to the President of the Senate for the able and efficient manner in which he has discharged his responsible duties.

Which was on motion adopted.

Mr. Gayley offered the following resolution:

Resolved. That the thanks of this body be and are hereby tendered to the Clerk and Sergeant-at-Arms for the efficient manner in which they have discharged their duties

Which was on motion now adopted.

On motion of Mr. Cornelius the Senate adjourned *sine die*.